

REMARKS

The attached Declaration Under 37 C.F.R. § 1.132 is executed by inventor Philippe Msika. The Declaration provides factual evidence in the form of testimony supporting arguments presented in the Reply Under 37 C.F.R. § 1.111 filed on August 6, 2008.

The Declaration provides, inter alia, testimony that:

- a person of ordinary skill in the art would not conclude from Rapaport that stretchmarks (striae distensae) are treated by promoting the rigidity and elasticity of the skin;
- a person of ordinary skill in the art reading Frei and Rapaport would not conclude that a soya peptide would be effective for treating stretchmarks;
- the etiologies of skin ageing and striae distensae differ greatly; and
- a product that stimulates collagen synthesis and elasticity of the skin is not sufficient to prevent or treat stretchmarks.

In view of the attached Declaration, Applicants respectfully request favorable reconsideration of the claims and withdrawal of the obviousness rejections.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

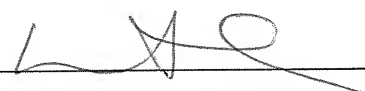
Respectfully submitted,

Date 14-NOV-2008

Customer Number: 22428

FOLEY & LARDNER LLP
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

By



Rouget F. Henschel
Attorney for Applicant
Registration No. 39,221